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Jarbridge excluded from 'critical' list

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This map from the U.S. Fish & Wildlife Service shows the "distinct population segment" of bull trout in the Jarbridge River at lower right, separate from regions where the fish will have "critical habitat." (U.S. Fish & Wildlife Service)

ELKO - U.S. Fish and Wildlife Service officials say they will work with the local community to protect bull trout habitat without designating the river as "critical habitat" for the fish.

The agency announced Friday that the Jarbridge River and its tributaries will not be included on a list of critical habitats for the bull trout, which is listed as threatened under the Federal Endangered Species Act.

The Fish and Wildlife Service had added the Jarbridge waterways last year to a list of proposed critical habitats that included large portions of waterways in Idaho, Montana, Oregon, Washington and Nevada. The effort began in 2002 as part of a settlement with two environmental groups that had sued the federal agency for not listing bull trout habitat critical after they listed the fish as "threatened" in 1999.

A news release from the Fish and Wildlife Service said Secretary of the Interior Gale Norton excluded the Jarbridge River area because the "benefits of excluding the area outweighed the benefits of including it." The Endangered Species Act gives the secretary broad discretion to exclude areas.

Fish and Wildlife Service spokeswoman Joan Jewett added that the decision was made partly to promote relationships with landowners in Jarbridge and surrounding areas. She said the agency has made recent progress working with the community to improve public access and protect bull trout.

"In areas where the bull trout occur, they are already protected by virtue of being listed (as threatened)," Jewett said. "The fish will get more benefit out of our partnerships in the area than they will through additional regulation."

The Fish and Wildlife Service enacted a 240-day emergency order in July 1998 that listed bull trout in the Jarbridge River and its waterways as "endangered." The order came after Elko County road crews worked on portions of the South Canyon Road without federal permits. The road was washed out in a 1995 flood.

Prior to the county's road repairs, the U.S. Forest Service made plans to repair the road, but ceased those efforts. At the time, environmental groups such as Trout Unlimited were arguing that repairs to South Canyon Road were damaging the bull trout habitat in the nearby Jarbridge River.

The issue attracted national media attention when a citizens work party organized a "shovel brigade" that removed a large boulder from South Canyon Road in July 2000. The U.S. Forest Service had positioned the boulder on the road to block out traffic. Organizers of the shovel brigade, along with

Elko County officials, argued that the "threatened" listing for the Jarbidge River's bull trout wasn't warranted, based on a study conducted by the Nevada Division of Wildlife.

County pleased

Some Elko County officials said the decision not to list the Jarbidge area as "critical habitat" for bull trout was a step in the right direction.

"It will hopefully be an easier process than we were looking at," said Commissioner Mike Nannini. "We still need to be really cautious and stay on top of it to see what happens at the end of the day."

Others agreed.

"If they would have listed it(as critical) it would have been really hard to get things done," said Commissioner John Ellison. "It gives us a lot more room to negotiate."

Edward Monnig, acting supervisor for the Humboldt-Toiyabe National Forest, said his agency's intent for the South Canyon Road is to "provide a reasonable level of motorized public access while protecting water quality and bull trout."

Monnig said sustaining washed-out portions of the South Canyon Road would be difficult and relocating these portions of road would cost millions of dollars. He said one washed over portion, which is currently passable only by foot or four-wheel-drive vehicle, will eventually be fully closed. He did not know the date for this closure.

Fish under review

The Fish and Wildlife Service is currently conducting a five-year review of the bull trout to determine whether its "threatened" status is warranted. Jewett said the Fish and Wildlife Service hopes to have the review done by the end of this year.

Also unresolved is a lawsuit filed by the federal government against Elko County and the organizers of the Shovel Brigade: Grant Gerber, Chris Johnson and Assemblyman John Carpenter, R-Elko. The lawsuit alleged violations of the clean water act and trespassing in response to the actions taken on South Canyon Road.

Elko County counterclaimed that it owned an RS 2477 right-of-way on the South Canyon Road. The groups reached a settlement in 2001, which would have designated the South Canyon Road as a county-maintained right-of-way. A federal judge approved the settlement and then reversed his decision, saying the settlement did not comply with federal standards.

Four years later, the county is still working to get the settlement approved.

Supporters of the de-classification of the bull trout in Jarbidge remain vigilant.

"The studies show that (Jarbidge bull trout) are doing fine," Carpenter said. "We ought to be able to go and fix up that road on the South Canyon and do our business."

-- CLOSE WINDOW --